



Paper 5

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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
Kazuo Watanabe  
Application No. 10/509,420  
Filed: September 24, 2004  
Attorney Docket No. **042824**

This is a decision on the petition filed August 7, 2006, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on June 21, 2005 for failure to file a timely response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 20, 2005, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed June 14, 2006.

Petitioner asserts that a Sequence Listing in a paper copy form and Computer Readable Form (CRF) from application no. 10/175,738 to the above-identified application was filed June 16, 2005. In support, petitioner submits a paper copy of the Sequence Listing said to have been filed with the U.S. Patent and Trademark Office and a copy of a postcard receipt date-stamped by the USPTO on June 16, 2005.

The evidence submitted corroborates a timely response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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